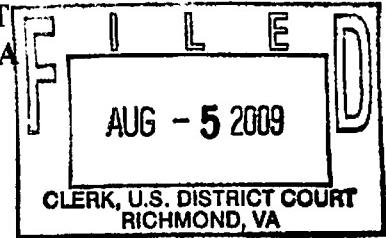


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



JERVOD SIMMONS,

Plaintiff,

v.

Civil Action No. 3:08CV657

JENNIFER HELTON, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff, a former Virginia prisoner, filed this action. The matter is before the Court on Plaintiff's failure to comply with the Court's directive to particularize his complaint.

Federal Rule of Civil Procedure 8(a) requires that a complaint contain "a short and plain statement of the claim." Fed. R. Civ. P. 8(a)(2). Courts must liberally construe *pro se* civil rights complaints in order to address constitutional deprivations. *Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1978). Nevertheless, "[p]rinciples requiring generous construction of *pro se* complaints are not . . . without limits." *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985). Plaintiff's current discursive allegations failed to provide each defendant with fair notice of the facts upon which his or her liability rested. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (*quoting Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order entered on May 21, 2009, the Court directed Plaintiff, within twenty (20) days of the date of entry thereof, to particularize his complaint in conformance with the Court's directions. The Court warned Plaintiff that failure to comply with the Court's instructions would result in dismissal of the action without prejudice. *See Fed. R. Civ. P. 41(b)*.

As of this date, Plaintiff has not complied with or otherwise responded to the May 21, 2009 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Dated: 8-4-09
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge